

MONTANA LEGISLATIVE HISTORY

Chapter 194 1979

Bill H 404 S _____ Original bill & history ✓ C

H. Committee on Local Government

Hearing Date(s) Feb 19 ✓ C

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_____ C

Date Out Feb 19 ✓ C

S. Committee on Highways & Transportation

Hearing Date(s) Mar 06 ✓ C

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_____ C

_____ C

Mar 06 ✓ C

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

1 HOUSE BILL NO. 404
2 INTRODUCED BY Schles
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 7-14-2201, MCA, PROVIDING THAT COUNTIES ARE REQUIRED TO
6 MAINTAIN ONLY PUBLIC BRIDGES LOCATED IN TOWNS OR CITIES OR
7 ON MAINTAINED COUNTY ROADS."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Section 7-14-2201, MCA, is amended to read:
11 "7-14-2201. Maintenance and control of bridges. (1)
12 Each board of county commissioners shall maintain all public
13 bridges other than those maintained by the department of
14 highways.
15 (2) The board shall manage and control all bridges
16 referred to in this part. It shall direct the method and
17 time of making repairs, planking, replanking, paving, and
18 repaving.
19 (3) (a) Whenever any bridge needs repair or becomes
20 dangerous for the passage of vehicles or persons, the board,
21 or the county surveyor if he is in charge, shall repair the
22 bridge upon being notified thereof.
23 (b) Nothing in this subsection shall be construed as
24 holding the board or any member responsible or liable for
25 anything other than willful, intentional neglect or failure

1 to act.
2 (4) In this part "public bridges" means public bridges
3 located in towns or cities and bridges located on county
4 roads maintained by the county."

-End-

HB 404
-2- INTRODUCED BILL

FEBRUARY 19, 1979
PROCEEDINGS OF THE
LOCAL GOVERNMENT COMMITTEE
HOUSE OF REPRESENTATIVES

The meeting was called to order by Chairman Hershel Robbins Monday evening, February 19, 1979, on adjournment of the House. The secretary called the roll and found a majority of the members present. Those absent were Representative Donaldson, Representative Gould, Representative Hurwitz, Representative Kessler and Representative McBride. All other members were present.

The purpose of the meeting was to hold hearings and to hold executive session.

HOUSE BILL 391: Presented by Representative Hemstad. Representative Hemstad presented the bill. This bill would clarify the manner of placing people on local boards who live in the area of those boards. At present, certain businesses would have more vote or no vote in changing of subdivisions or entering shopping centers. This would allow for better members to be represented on boards. This would place a limit so that people on the boards could not come from outside the four and a half mile jurisdiction. She then read a prepared statement, which is attached to the testimony.

There were no proponents present and no opponents present.

There were several questions by committee members and hearing was then closed on House Bill 391.

HOUSE BILL 404: Presented by Representative Sales. Representative Sales stated that this bill was presented because of a situation of people finding roads which have previously considered private roads are now becoming public roads. Because of increased traffic the bridges are falling and they are facing increased maintenance.

There were no proponents present and no opponents present. Comments from the committee were that this would be a good bill. Hearing was then closed on House Bill 404.

HOUSE BILL 451: Representative Spilker presented the bill and stated that there had been problems with the courts as to whether there should be mandatory review or optional review of forms of local government. She pointed to Section 3 on page 3, which would allow for recommendations from the local governing body. She also pointed out that this would require petitions and special requirements on Section 11, page 8, as to determinations to be made.

House Bill No. 662 (continued)

David Goss of Billings, representing their city commissioners, also spoke as an opponent stating they felt they needed the association to fairly represent them.

Bill Bigspring, county commissioner, also spoke stating he hoped the bill would be tabled.

There were no further opponents and Representative Brand then gave closing remarks. There followed questions from committee members. Representative Azzara stated he felt that belonging to these lobbying organizations didn't help, that possibly it would be more assistance if local government people would travel to Legislature and bring their views. He then asked Dan Mizner to speak. Mr. Mizner stated they had been doing the small things for the cities and that they were unable to come over on all the little bills. That is the purpose of this organization.

Hearing was then closed on House Bill 662.

The committee then went into Executive Session.

HOUSE BILL 391: Representative Sales moved do pass on House Bill 391. Question was called on the motion. All voted "aye" except Representatives Gould, Donaldson and Oberg. Motion carried. House Bill 391 was given do pass.

HOUSE BILL 404: Representative Sales moved do pass on House Bill 404. There was no discussion by the committee. Question was called. Representatives Gould, Donaldson, Moore and Oberg voted no. Motion carried that House Bill 404 do pass.

HOUSE BILL 490: Representative Reichert moved that House Bill 490 do pass. Vote was called. All voted "aye" except Representatives Gould and Donaldson and Oberg. Motion carried. House Bill 490 do pass.

HOUSE BILL 698: Representative Reichert moved do pass. Vote was called. All voted "aye" except Representatives Pistoria and Vinger. Motion carried that House Bill 698 do pass.

HOUSE BILL 851: Representative Waldron moved do pass. There was a short discussion by the committee, with Representative Reichert stating she felt this was necessary bill. Question was called. All voted "aye" except Representative Vinger. Motion carried that House Bill 851 do pass.

HOUSE BILL 662: Representative South moved do not pass.

Mr. Clark said it was his understanding that the Welfare Department would work it into the people's budget to include those charges. He stated he has had occasions to place insurance for welfare people on homes. I am not sure if this would apply to car insurance.

Mr. Ashley was present, and stated he drafted the bill and would be available for questions.

There being no further questions the hearing was closed on House Bill 708.

CONSIDERATION OF HOUSE BILL 404: Representative Walter Sales, District 79, said this is an act to amend section 7-14-2201, M.C.A. providing that counties are required to maintain only public bridges located in towns or cities or on maintained county roads. He said, although the county is not responsible for maintaining the roads, such as logging roads, but they are responsible for maintaining the bridges on these roads. This law changes that, so they will be responsible for maintaining only those bridges in the cities and towns and the county roads that are always maintained.

Senator Etchart asked about the fiscal impact of this, if this did not pass.

Representative Sales said it would become a major cost. They discovered that Gallatin County has several hundred bridges that could be so classified.

There being no other proponents, opponents or questions, the hearing was closed on House Bill 404.

CONSIDERATION OF HOUSE BILL 574: Representative Day, District 54, chief sponsor of HB 574, said this is an act to amend section 61-4-102, M.C.A., to raise the motor vehicle dealer registration fee to \$45. This bill raises the motor vehicle dealer registration fee from \$30 to \$45. The \$30 fee has been in effect since 1947. This bill was requested by the Department of Justice.

Chairman Etchart asked if there were any other proponents.

Larry Majerus, Division of Motor Vehicles, Legal Division, said the department requested this bill because after doing a study, they discovered the money they received was not covering the cost. Included in this fee, the department keeps reports, renews licenses and investigates complaints. We try to keep it small. I think these are minimal costs that will assist the program.

Chairman Etchart asked if there were any other proponents.

Jerry Raunig, Montana Automobile Dealers Association, told the committee, as all of you know, we work closely with the Department. We have no objection to the increase.

ACTION ON HOUSE BILL 404: Senator Graham made the motion that House Bill 404 Be Concurred In. The committee voted unanimously that House Bill 404 be concurred in. The motion carried. Senator Graham will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 574: Senator Kolstad made the motion that House Bill 574 Be Concurred In. The committee voted unanimously that House Bill 574 Be Concurred In. The motion carried. Senator Kolstad will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 708: Chairman Etchart requested that the committee hold House Bill 708 over until the next meeting to give him time to study the legislation further.

There being no further business the meeting adjourned. The next meeting of the Committee on Highways and Transportation will be on March 8, 1979, at 1:00 P.M. in Room 410 of the State Capitol Building.

Mark Etchart

SENATOR MARK ETCHART, CHAIRMAN

3-6-79

ROLL CALL

Highway

COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	✓		
Tom Hager, Chairman	Late ✓		
Frank W. Hazelbaker	✓		
Allen C. Kolstad	✓		
Carroll A. Graham	✓		
Dave Manning			
John E. Healy (Jack)	✓		

Each Day Attach to Minutes.

SENATE COMMITTEE Highways & Transportation

Date 3-6-79 Heard Bill No. 404 Time

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad	✓	
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carl Foster
Secretary

Mark Etchart
Chairman

Motion: Be Continued

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

.....March 6..... 1979.....

MR.President:.....

We, your committee on.....Highways and Transportation.....

having had under considerationHouse..... Bill No. 404.....

Sales (Graham)

Respectfully report as follows: That.....House..... Bill No. 404.....

DO PASS
BE CONCURRED IN

HOUSE BILL NO. 404

INTRODUCED BY SALES

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 7-14-2201, MCA, PROVIDING THAT COUNTIES ARE REQUIRED TO MAINTAIN ONLY PUBLIC BRIDGES LOCATED IN TOWNS OR CITIES OR ON MAINTAINED COUNTY ROADS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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(b) Nothing in this subsection shall be construed as holding the board or any member responsible or liable for anything other than willful, intentional neglect or failure

to act.

~~(4) In this part "public bridges" means public bridges located in towns or cities and bridges located on county roads maintained by the county."~~

-End-